

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

Joint Application of Northern Pass Transmission, LLC and Public Service Company of  
New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the  
Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

TOWN OF COLEBROOK'S UNTIMELY MOTION TO INTERVENE

NOW COMES the Town of Colebrook, ("town"), by and through its Board of Selectmen and petitions the Site Evaluation Committee ("SEC") to allow it to intervene in the above-captioned matter pursuant to RSA 541-A:32 and NH Site 202.11, stating as follows:

1. On or about October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy ("Applicants") filed an application for a Certificate of Site and Facility with the SEC ("Application"). In an Order Accepting Application dated December 18, 2015, the SEC determined that the Application contains sufficient information to satisfy the requirements of each state agency having jurisdiction to regulate any aspect of the construction or operation of the proposed facility, as well as that the Application contains sufficient information to carry out the purposes of RSA 162-H, et seq . The SEC set a deadline of February 5, 2016 for interested parties to seek intervention.
2. For the reasons set forth below, the Town of Colebrook seeks to intervene in the above captioned matter.
3. RSA 541-A:32 and NH Site 202.11 provide that the SEC, or its presiding officer, shall grant a petition for intervention if:
  - (1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the order of notice of the hearing or prehearing conference, not less than 3 days before the hearing or prehearing conference;
  - (2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law, including a state agency pursuant to RSA 162-H:7-a, VI ; and

- (3) The presiding officer or hearing officer, as applicable, determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.
4. The Colebrook Board of Selectmen were requested by a citizen to discuss the matter at a regularly scheduled Meeting on January 25, 2016. At this meeting, under "new business," the Selectmen decided to request intervenor status, in part, after being reminded of a 2011 action at Town Meeting in which it was unanimously decided by the citizens of Colebrook to object to any Transmission Line in the Town of Colebrook as presently proposed by Hydro-Quebec. (See attached.) The individual members of the Board of Selectmen have changed since the 2011 vote.
5. At the time of the citizen's request, the Board of Selectmen was not aware of a deadline for filing of a petition. This petition had to be prepared and discussed, resulting in a delay in filing beyond the February 5, 2016 deadline.
6. No substantial injustice will be caused to the Applicants by the granting of this Untimely Motion to Intervene as it is likely that all municipalities who are granted intervenor status will have their collective concerns consolidated for any subsequent proceedings.
7. To date, there are approximately thirty (30) municipalities who have been granted intervenor status.
8. As currently proposed, the project does not go through the Town of Colebrook. However, the proposed alternative routes do go through the Town of Colebrook. Therefore, the Town of Colebrook has an interest in the proposed facility because of the project's proximity to the Town of Colebrook. Over one hundred ninety miles (190) miles of overhead line are currently proposed with only eight (8) miles of line proposed to be buried in Coos County.
9. The town is very concerned about the impact the project will have on the town's rural character, land use, employment, tourist driven economy, and property values as a result of the lines. The topography and slope of residential and commercial areas in and around downtown Colebrook worsens the visual impact as the project will be clearly visible from those areas. As currently proposed and viewed from the town, the project could severely blight the landscape and thereby reduce the number of tourists and those seeking to enjoy the vast opportunities for outdoor recreation.
10. The proposed facility will impact the rights, duties, privileges, immunities and other substantial interests of the town. In addition, the interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing this intervention, as the town's concerns are identical or similar to numerous communities hosting the project whose input is essential to the SEC's review of the Application for compliance with RSA 162-H.

WHEREFORE, the Town of Colebrook respectfully requests that the SEC:

- A. Grant the town's Untimely Motion to Intervene; and
- B. Grant such other and further relief as the SEC deems just and necessary.

By:

Respectfully submitted,

TOWN OF COLEBROOK

By Chairman Board of Selectmen

Duly Authorized:

Raymond Gorman

Raymond Gorman

2-24-16

Date:

CERTIFICATION

I hereby certify that a copy of this motion has been emailed to persons named on the Service List of this docket.

Date: 2-24-16

Dorothy Uran

Dorothy Uran

Assessing Clerk

**Article 17** Bob Holt made a motion to raise and appropriate the sum of **\$215,949.00** for the **Colebrook Dispatch Center**, \$61,888.00 to come from participating towns \$136,101.00 to come from taxation and the balance of \$12,960.00 to come from the 2010 Dispatch Fund Balance and the balance of \$5,000.00 to come from the Radio Dispatch Center Special Revenue Fund. Roland Cotnoir seconded the motion and it passed with a voice vote.

**Article 18** Roland Cotnoir made a motion, seconded by Bob Holt, to raise and appropriate the sum of **\$1,800.00** for the purpose of **Grant** work. This amount is to be reimbursed from Grant Revenues. The motion passed with a voice vote.

Recreation Grant	500.00
Other Match for Grants	1,300.00

**Article 19** Roland Cotnoir moved to **modify** an **Exemption** for the **Disabled** under the provisions of RSA 72:37-b as follows: the exemption from assessed value for qualified taxpayers shall be \$5,000.00. To qualify, the person must be eligible under Title II or Title XVI of the federal Social Security Act, must occupy the property as his principle place of abode, must own the property individually or jointly, or if owned by a spouse, they must have been married for at least 5 years, had in the calendar year preceding April 1 a net income from all sources, of not more than \$13,400.00 for a single person and \$20,400.00 for a married person and own net assets not in excess of \$35,000.00 excluding the value of the actual residence and up to 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. Bob Holt seconded the motion and it passed with a voice vote.

**Article 20** Mike Ouellet made a motion, seconded by Bob Holt, to register and disseminate to all concerned its objection, opposition and commitment to stop the construction of any portion of the 1200 Megawatt High voltage **Direct Current Transmission Line** in the Town of Colebrook as presently proposed by **Northeast Utilities, NStar and Hydro-Quebec** since such a huge scar constructed and erected through and above the Town's treasured residential and scenic private properties will cause inestimable damage to the orderly economic development of the Town, its economy, and the health and wellbeing of its residents. (By Petition)

James Daugherty questioned what method would be used to disseminate and to whom the objection would be registered. Roland Cotnoir stated he felt the message should go to all election officials, including the governor. He continued the transmission line would affect many generations to come, destroy the countryside, create few temporary jobs as specialized tradesman would be needed, would jeopardize the 55 small generating plants in New Hampshire causing the possible loss of 300 jobs, cause a reduction in tax revenue with a 40-70% loss in property values and create a potential health hazard. Julie Moran and Dr. Bruce Latham followed with additional facts. The moderator called for a standing vote and the motion passed unanimously.

**Article 21** Bob Holt made a motion to take over the **ownership and maintenance of Green Mountain Drive and Nash Road.** Whenever the Roaring Brook Road washes out, Green Mountain Drive and Nash Road, private roads, are used by the public as a detour. Should an emergency arise on Roaring Brook Road during a wash out, police and fire vehicles would need to access Roaring Brook Road by way of Green Mountain Drive and Nash Road. With the history of the Roaring Brook Road wash outs and the use of Green Mountain Drive and Nash Road as a detour, Town ownership of Green Mountain Drive and Nash Road would ensure that these roads remain suitable and available for emergency vehicles and the additional traffic without liability on the party of the private owners of said roads. Therefore, it is in the best interests of the Town of Colebrook to own and maintain Green Mountain Drive and Nash Road. (By Petition)

Mike Ouellet seconded the motion. No one was present to speak to the motion and it failed with a unanimous voice vote.

**Article 22** Bob Holt made a motion, seconded by Mike Ouellet, to **accept, ratify and confirm** the reports of the Agents, Selectmen, Auditors and all other Town Officers.

**Article 23** To the

### **Intervenor Status Northern Pass**

Sue noted that there is no commitment being one, it mostly helps on getting information. Colebrook may not be able to become one since Northern Pass is not going through Colebrook. The town will request to become an intervenor citing possible Route changes.

### **Tillotson Polymer CDBG Meeting**

Becky noted Tillotson Polymer is town sponsored. They have not met their requirements for employment. Meeting is in February.

### **Grant**

Becky reported that the town received a proposal from CMA. Grant provides technical assistance up to \$30,000. If over \$30,000 the town will pay 75% and CMA will pay 25%.

**Motion: Greg Placy moved to authorize the Town Manager to apply and sign all documents related to the Grant. Sue Collins seconded. Motion carries unanimously.**

# TITLE LV PROCEEDINGS IN SPECIAL CASES

## CHAPTER 541-A ADMINISTRATIVE PROCEDURE ACT

### Section 541-A:32

#### **541-A:32 Intervention. –**

I. The presiding officer shall grant one or more petitions for intervention if:

(a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;

(b) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

II. The presiding officer may grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.

III. If a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Such conditions may include, but are not limited to:

(a) Limitation of the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition.

(b) Limitation of the intervenor's use of cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceedings.

(c) Requiring 2 or more intervenors to combine their presentations of evidence and argument, cross-examination, and other participation in the proceedings.

IV. Limitations imposed in accordance with paragraph III shall not be so extensive as to prevent the intervenor from protecting the interest which formed the basis of the intervention.

V. The presiding officer shall render an order granting or denying each petition for intervention, specifying any conditions and briefly stating the reasons for the order. The presiding officer may modify the order at any time, stating the reasons for the modification.

**Source.** 1994, 412:1, eff. Aug. 9, 1994.

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Eversource Energy  
SEC 2015-06  
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